

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 04-12699-RWZ

**PETITION OF K& R FISHING
ENTERPRISES, INC., FOR
EXONERATION FROM OR
LIMITATION OF LIABILITY,
CIVIL AND MARITIME**

**CLAIM OF OLIVIA SMITH PECINA, MOTHER AND NEXT FRIEND TO
JUAN FLORES, IN RESPONSE TO THE DEFENDANT, K&R FISHING
ENTERPRISE, INC.'S PETITION FOR EXONERATION FROM OR
LIMITATION OF LIABILITY**

Now comes the respondent, Olivia Smith Pecina, mother and next friend to Juan Flores and asserts a claim in the above-captioned matter against K & R Fishing Enterprises, Inc. pursuant to and in accordance with Federal Rules of Civil Procedure, Supplemental Rule F(5).


More specifically, the respondent, Olivia Smith Pecina, mother and next friend to Juan Flores, asserts the following:

1. The defendant/petitioner, K & R Fishing Enterprises, inc. was, at all material times hereto, the owner of the F/V NORTHERN EDGE.
2. The defendant/petitioner, K & R Fishing Enterprises Inc. was, at all material times hereto, the employer of the respondent's decedent, Juan Flores.
3. On or about December 20, 2004, the respondent's decedent, Juan Flores, while in the course of his employment, was aboard the F/V NORTHERN EDGE. During and in the course of his employment, with the Petitioner, K & R Fishing Enterprises, Inc., the F/V NORTHERN EDGE sunk and the respondent's decedent was lost at sea and caused to die.
4. On or about December 20, 2004, the respondent's decedent was 43 years old. He was earning approximately \$60,000 per year. He was the son of the respondent, Olivia Smith Pecina. The respondent asserts a claim for loss of economic support and conscious pain and suffering on behalf of the decedent.
5. The respondent alleges that the petitioner, K & R Fishing Enterprises, Inc. as the owner of the F/V NORTHERN EDGE, and, as the employer of the decedent, was negligent and breached certain warranties in allowing the F/V NORTHERN EDGE to sink. The respondent further alleges that the petitioner, K & R Fishing

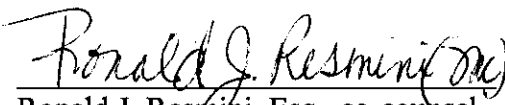
Enterprises, Inc., allowed the F/V NORTHERN EDGE to go out to sea, with improper rigging, instability, and other dangerous, defective and unseaworthy conditions. Additionally, the petitioner failed to provide safety drills for proper evacuation of the vessel in case of an emergency. As a result of the petitioner's negligence, the respondent was injured and the respondent's decedent was caused to die.

WHEREFORE, the respondent, Olivia Smith Pecina, mother and next friend to Juan Flores, hereby asserts a claim for personal injuries and wrongful death in the above-captioned matter against the Petitioner, K & R Fishing Enterprises, Inc.

The Respondent,
Olivia Smith Pecina, mother and next friend
to Juan Flores
By her attorneys,



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I hereby certify that a true copy of the
above document was served upon the
party of record on each of the dates
indicated below.
3-22-05
me